

CARTER ET AL. - 10/719,066
Client/Matter: 040046-0306195

REMARKS

Claims 1-39 are pending. By this Amendment, claims 1 and 27 are amended. Reconsideration in view of the amendments and following remarks is respectfully requested.

Applicants appreciate the courtesies extended by Examiner Stewart to Applicants' representative during the personal interview conducted May 18, 2005. The points discussed during the interview are incorporated into the remarks below and constitute Applicants' record of the interview.

It is respectfully noted that the January 26, 2005 Office Action does not include an examination of claims 34-39, which were added in the reply filed October 29, 2004. MPEP § 707.07(i) states: "In every Office action, each pending claim should be mentioned by number, and its treatment or status given."

Applicants appreciate the consideration of the Information Disclosure Statement submitted with the application on November 24, 2003. It is respectfully noted that reference DDR, Gastroenterology & Endoscopy News, "Will the Winged Stent Fly?" has not been initialed. Enclosed is a copy of the PTO-1449 submitted November 24, 2003. The Examiner is respectfully requested to initial the reference and return a copy of the PTO-1449 with the next Office Action in accordance with MPEP § 609.

Claims 1-4, 12, 13, 17, 23, 25, 27, 28, 30, 31 and 33 were rejected under 35 U.S.C. §102(b) over Willard (U.S. Patent 6,221,060). The rejection is respectfully traversed.

Claim 1 recites a stent including a body with a predetermined length defining a longitudinal axis and two ends. A plurality of smooth-surfaced wings are angularly spaced around the body and extend radially outwardly from the body and extend longitudinally along substantially the entire length thereof. Channels are formed between adjacent wings. Each channel extends substantially the entire length of the body and defines a fluid flow passage. At least one securement barb is disposed on one end of the body, the securement barb has a barb root and a barb tip. The barb root secures the securement body to the body and the securement barb extends generally radially outward from the body in a cantilevered fashion from the barb root to the barb tip. This securement barb is angled with the barb root being located near to the end of the body and the barb tip.

As discussed during the interview, there is no disclosure or suggestion by Willard of a stent including a body with a predetermined length defining a longitudinal axis and two ends and having a plurality of smooth-surfaced wings angularly spaced around the body and

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extending radially outwardly from the body and extending longitudinally along substantially the entire length thereof and channels formed between adjacent wings, each channel extending substantially the entire length of the body and defining a fluid flow passage.

With respect to the Examiner's reference to Fig. 9 of Willard on page 4, second paragraph, and during the personal interview, as discussed during the personal interview, Fig. 9 of Willard does not disclose or suggest channels formed between the sealer rings 26 and extending substantially the entire length of the urethral device and defining a fluid flow passage. The sealer rings 26 of Willard are provided to assist in preventing the flow of urine around the outside of the urethral device. See column 4, lines 63-64. The sealer rings 26 of Willard clearly do not define a fluid flow passage.

Claims 2-24, 12, 13, 17, 23, 25 and 34-36 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 1 and for the additional features recited therein.

Claim 27 recites a stent including a body with a predetermined length defining a longitudinal axis and two ends. A conical tip portion is disposed at each end of the body. A lumen is defined within the body and extends through the body between the two ends thereof and is constructed and arranged to accommodate a guide wire therein. A plurality of smooth-surfaced wings are angularly spaced around the body and extend radially outward from the body and extend longitudinally along substantially the entire length thereof. a stent including a body with a predetermined length defining a longitudinal axis and two ends. A plurality of smooth-surfaced wings are angularly spaced around the body and extend radially outwardly from the body and extend longitudinally along substantially the entire length thereof. Channels are formed between adjacent wings. Each channel extends substantially the entire length of the body and defines a fluid flow passage. A securement barb is disposed adjacent to the each end of the body and extends from each of the conical tip portions. Each securement tap has a barb root securing the securement barb to the body and a barb tip. The securement barbs each tapered in width from the barb root to the barb tip such that each securement barb has a generally teardrop shape. Each securement barb extends generally radially outward from the body in cantilevered fashion from the barb root to the barb tip. Each securement barb is disposed at an angle of less than or equal to about 90° relative to the longitudinally axis of the body. The securement barbs are angled in opposite directions with respect to each other and the barb roots are located nearer to the ends of the body than the barb tips.

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As discussed above, it respectfully submitted that the sealer rings 26 of Willard are not a plurality of smooth-surfaced wings angularly spaced around the body and extending radially outwardly from the body and extending longitudinally along substantially the entire length thereof with channels formed between adjacent wings, each channel extending substantially the entire length of the body and defining a fluid flow passage. The sealer rings 26 of Willard prevent fluid flow around the urethral device, they do not define fluid flow passages.

Claims 28, 30, 31, 33 and 37-39 recite additional features of the invention and are allowable from the same reasons discussed above with respect to claim 27 and for the additional features recited therein.

Reconsideration and withdrawal of the rejection of claims 1-4, 12, 13, 17, 23, 25, 27, 28, 30, 31 and 33 over Willard are respectfully requested.

Claims 1-4, 7-10, 12-15, 17, 18, 21, 22, 24, 27, 28, 30 and 31 were rejected under 35 U.S.C. §102(e) over Chobotov et al. (U.S. Patent Application Publication 2003/0120331 A1). The rejection is respectfully traversed.

As discussed during the interview, there is no disclosure or suggestion by Chobotov et al. of a stent including a body with a predetermined length defining a longitudinal axis, and two ends and a plurality of smooth-surfaced wings angularly spaced around the body and extending radially outward from the body and extending along the substantially the entire length thereof and channels formed between adjacent wings, each channel extending substantially the entire length of the body and defining a fluid flow passage, as recited in claim 1.

Chobotov et al. disclose a graft 50. The graft 50 is not a stent. Even assuming the graft 50 could be reasonably interpreted as stent, which Applicants are not conceding, as discussed during the interview the graft 50 does not include a plurality of smooth-surfaced wings extending radially outward from the graft and extending longitudinally along substantially the entire length thereof. The graft 50 of Chobotov et al. includes a plurality of inflatable circumferential channels or ribs 58 and an inflatable longitudinally channel (not labelled in Fig. 2) in communication with the circumferential channels or ribs. There is no disclosure or suggestion that there are a plurality of longitudinally extending channels that are in communication with the circumferential channels 58. In fact, paragraph [0087] of Chobotov et al. states: "Inflatable channel 58 comprises an inflatable longitudinal channel or spine in fluid communication with a series of approximately parallel inflatable

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circumferential channels or ribs.” (Underlining emphasis added.) This disclosure of Chobotov et al. clearly suggests that there is only one longitudinal channel, not a plurality.

Claims 2-4, 7-10, 12-15, 17, 18, 21, 22, 24, and 34-36 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 1 and for the additional features recited therein.

Chobotov et al. does not disclose or suggest a plurality of smooth-surfaced wings extending radially outward from a body and extending longitudinally along substantially the entire length thereof, and channels formed between adjacent wings, each channel extending substantially the entire length of the body and defining a fluid flow passage, as recited in claim 27. The inflatable channel 58 of Chobotov et al. includes a single longitudinal channel.

Claims 28, 30, 31 and 37-39 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 27 and for the additional features recited therein.

Reconsideration and withdrawal of the rejection of claims 1-4, 7-10, 12-15, 17, 18, 21, 22, 24, 27, 28, 30 and 31 over Chobotov et al. are respectfully requested.

Claims 5, 6, and 29 were rejected under 35 U.S.C. §103(a) over Chobotov et al. The rejection is respectfully traversed.

With respect to the Examiner's determination that it would have been obvious to one of ordinary skill in the art to have the barbs of Chobotov et al. at an angle between 60° and 90°, it is respectfully submitted that there is no recognition in the prior art that the angle of the barb relative to the longitudinal axis is a result affective variable. Accordingly, the Examiner's determination that the discovery of optimum or workable ranges of the angle of the barb with respect to the longitudinal axis would have been obvious is incorrect. See MPEP §2144.05 II.B.

Furthermore, Chobotov et al. tuck the barbs 74 into a delivery configuration and it is respectfully submitted that one of ordinary skill would not have been motivated to dispose the barbs at an angle relative to the longitudinal axis, including an angle between 60° and 90°, as such a modification would render the graft of Chobotov et al. unsuitable for delivery.

Reconsideration and withdrawal of the rejection of claim 5, 6 and 29 over Chobotov et al. are respectfully requested.

Applicants appreciate the indication that claims 11, 16, 19, 20, 26 and 32 define patentable subject matter. However, in view of the above amendments and remarks,

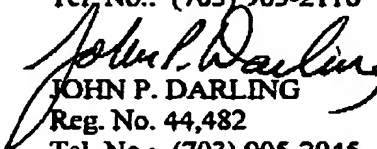
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Applicants respectfully submit that all the claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed.

Respectfully submitted,
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